

1.25% for the assumption of mortality and expense risks from the assets of: (a) The Accounts in connection with the issuance of the Annuity Contracts; (b) the Accounts in connection with the issuance of any Future Contracts; and (c) any other separate account established in the future by the Insurance Companies in connection with the issuance of Future Contracts. Applicants believe that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants submit that their request for exemptive relief for deduction of the 1.25% mortality and expense risk charge from the assets of the Accounts, or any other separate account established by the Insurance Companies in the future, in connection with the issuance of Future Contracts, would promote competitiveness in the variable annuity contract market by eliminating the need for the Insurance Companies to file redundant exemptive applications, thereby reducing the Insurance Companies' administrative expenses and maximizing the efficient use of their resources. Applicants further submit that the delay and expense involved in having repeatedly to seek exemptive relief would impair the Insurance Companies' ability effectively to take advantage of business opportunities as they arise. Further, if the Insurance Companies were required repeatedly to seek exemptive relief with respect to the same issues addressed in this Application, investors would not receive any benefit or additional protection thereby. Thus, Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the 1940 Act.

3. Section 6(c) of the 1940 Act authorizes the Commission, by order upon application, to conditionally or unconditionally grant an exemption from any provision, rule or regulation of the 1940 Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

4. Sections 26(a)(2)(C) and 27(c)(2) of the 1940 Act, in relevant part, prohibit a registered unit investment trust, its depositor or principal underwriter, from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, are

deposited with a qualified bank and held under arrangements which prohibit any payment to the depositor or principal underwriter except a reasonable fee, as the Commission may prescribe, for performing bookkeeping and other administrative duties normally performed by the bank itself.

5. Applicants represent that the 1.25% mortality and expense risk charge under the Contracts is within the range of industry practice for comparable annuity contracts. This representation is based upon Applicants' analysis of similar industry products, taking into account such factors as current change levels, existence of charge level guarantees, and guaranteed annuity rates. Applicants represent that the Insurance Companies will maintain at their home offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, their comparative survey.

6. Applicants acknowledge that, if a profit is realized from the mortality and expense risk charge under the Contracts, all or a portion of such profit may be available to pay distribution expenses not reimbursed by the CDSC. The Insurance Companies have concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Accounts and the Contract owners. The basis for that conclusion is set forth in a memorandum which will be maintained by the Insurance Companies at their administrative offices and will be made available to the Commission.

7. Applicants also represent that the Accounts will invest only in underlying open-end management investment companies which undertake, in the event they should adopt a plan under Rule 12b-1 to finance distribution expenses, to have a board of directors or trustees, a majority of whom are not "interested persons" of such company within the meaning of Section 2(a)(19) of the 1940 Act, formulate and approve any such plan.

Conclusion

For the reasons set forth above, Applicants represent that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-2655 Filed 2-2-95; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Regional Liaison Outreach and Services Program (L.O.S.P.); Announcement of Request for Proposals (RFP)

SUMMARY: The Department of Transportation's Office of Small and Disadvantaged Business Utilization (O.S.D.B.U.) is responsible for the Department's implementation and execution of the functions and duties under sections eight (8) and fifteen (15) of the Small Business Act (15 U.S.C. 637) for developing policies and procedures consistent with Federal statutes to provide policy direction for minority, women-owned, small, and disadvantaged business (S/DBE) participation in the Department's procurement and Federal financial assistance activities. The office is also responsible for implementing and monitoring the Department's goals for minority, women-owned and small and disadvantaged businesses. The Secretary of Transportation has encouraged DOT operating administrations to expand opportunities for these entrepreneurs to participate fully in all DOT-funded procurements and assisted programs. On May 10, 1994 OSDBU published a Notice in the **Federal Register** requesting proposals from organizations classified as minority trade associations and/or Minority Chambers of Commerce to serve as regional representatives for the LOSP. Based upon the nationwide competition an independent panel recommended and OSDBU selected the following as regional representatives: The National Association of Minority Contractors, Washington, D.C. to represent Region 3 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia); Latin Chamber of Commerce U.S.A., Miami, FL. to represent Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee); Metropolitan Chamber of Commerce, Flint, MI. to represent Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin); Hispanic Chamber of Greater Kansas City, Kansas City, MO. to represent Region 7 (Iowa, Kansas, Missouri and

Nebraska); Arizona Hispanic Chamber of Commerce, Phoenix, AZ., and Black Business Association, Los Angeles, CA. to represent Region 9 (Arizona, America Samoa, California, Guam, Hawaii and Nevada). This request solicits competitive proposals from organizations classified as minority trade associations and/or minority Chambers of Commerce for participation under the LOSP to represent Regions 1, 2, 6, 8 and 10. The states and territories comprising these Regions are identified in Section 1.4. *Eligible applicants must be registered with the Internal Revenue Service as 501 C(6) tax-exempt organizations.* OSDBU will enter into Cooperative Agreements with these organizations to provide liaison services between the DOT, its grantees, recipients, contractors, subcontractors, and minority, women-owned, and disadvantaged business enterprises. This Request for Proposals contains information concerning: (1) The principal objectives of the competition, eligible applicants, activities and factors for award; (2) the application process, including how to apply and the criteria used for selection; and (3) a checklist of application submission requirements.

FOR GENERAL AND SPECIFIC INFORMATION

CONTACT: Ms. Patricia Martin, Staff Associate, David Benton, LOSP Manager or Mr. Art Jackson, LOSP Contracting Officer Technical Representative, Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation, 400 7th Street, S.W., Room 9410, Washington, D.C., 20590, Tel. (202) 366-2852 or (800) 532-1169.

SEND PROPOSALS TO: Mr. David Benton, LOSP Manager, Office of Small and Disadvantaged Business Utilization (S-40), U.S. Department of Transportation, 400 7th Street, S.W., Room 9410, Washington, D.C. 20590.

DATES: Proposals must be received at the above location by March 3, 1995, 4:00 p.m., Eastern Standard Time. Proposals received after the deadline will be considered non-responsive and not reviewed. DOT plans to give notice of awards on all applications by March 17, 1995.

Dated: January 26, 1995

Luz Hopewell,

Director, Office of Small and Disadvantaged Business Utilization.

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1. Introduction

1.1 Background

The United States Department of Transportation (DOT) established the Office of Small and Disadvantaged Business Utilization (OSDBU) in accordance with Public Law 95-507, an amendment to the Small Business Act and the Small Business Investment Act of 1958. The OSDBU administers the Department's Small and Disadvantaged Business Enterprise (DBE) Program which is designed to ensure that small businesses, including small disadvantaged and minority firms, have an equitable opportunity to participate in DOT's procurement and Federal financial assistance programs and that they receive a fair share of the resulting contract awards. Because DOT's policy is to encourage and increase DBE participation in the contracts and programs that it funds, during FY 1993, DBEs received over \$2.6 billion or 14.4 percent of highway, transit, air and rail contracts from DOT-assisted State and local transportation agencies.

OSDBU develops Department-wide policy and administers a number of programs and activities to implement the OSDBU's Congressional mandate of increasing the level of participation of DBEs in the Federal financial assistance and direct contracting programs of all modal administrations of DOT. OSDBU is responsible for the development and implementation of an effective program of activities directed at ensuring DBE participation in the Department's direct procurement and Federal financial assistance activities. This includes the monitoring of all DOT procurement activities that involve the participation of DBEs, including the goal settings and procurement practices of DOT financial assistance recipients, namely, State and local transportation agencies. The OSDBU also serves an important function in assisting firms in their marketing of the Department and all of its operating administrations. OSDBU also is responsible for developing and administering programs to encourage, stimulate, promote and assist DBEs to

obtain and manage transportation-related contracts, subcontracts and projects. This includes administering the Short Term Lending Program (STLP) and the Bonding Assistance Program, two financial assistance efforts which provide assistance in obtaining short-term working capital and bonding for DBEs. Under the STLP, lines of credit up to \$500,000 are available at prime interest rates to finance accounts receivable for transportation-related contracts. The Bonding Assistance Program enables DBEs to apply for bid, performance and payment bonds on contracts up to \$1,000,000.

1.2 Program Description and Goals

An area where the OSDBU has focused considerable efforts has been that of increasing DBE access to DOT financial assistance programs and contracting opportunities through the Liaison Outreach and Services Program (LOSP). This broad-based initiative utilizes Cooperative Agreements with a number of minority Chambers of Commerce and minority trade associations to provide liaison services between DOT, its grantees, recipients, contractors, subcontractors and DBEs. The LOSP includes activities such as information dissemination, outreach services, conference and seminar participation and referrals to technical assistance agencies (i.e., MBDCs, SBDCs and State DOT highway supportive services contractors) which offer management and technical assistance in financial assistance, marketing and other business areas. In addition, the minority organizations include DOT and other transportation-related information in their monthly or quarterly newsletters and provide one-on-one business counseling to DBEs currently doing business or that have the potential for doing business with DOT at the Federal, state or local levels.

Information dissemination and outreach include the distribution of the following DOT marketing materials: DOT Bonding Assistance Program Brochures; DOT Bonding Assistance Fact Sheets; DOT Short-Term Lending Program Brochures; DOT Short-Term Lending Fact Sheets; Procurement Forecasts; DOT Small Business Subcontracting Opportunities Directory; Contracting with the United States Department of Transportation Booklets; DOT Bonding Assistance Program Applications; and DOT Short-Term Lending Program Applications. A compilation of these materials is available in the DOT's Marketing Information Package, a comprehensive document which serves as a resource and reference tool.

Participating LOSP organizations make referrals to technical assistance agencies offering assistance to DBEs in the completion and submission of Short-Term Lending and Bonding Assistance Program applications.

The LOSP was established by the OSDBU in May 1992 in response to the continuing need to outreach to the small and minority business community and increase their participation in DOT contracting and financial assistance programs. To address this need, the LOSP seeks to increase the number of small businesses and DBEs that enter into transportation-related contracts and that receive DOT STLP lines of credit and bonding assistance. This goal is accomplished by the OSDBU working closely with minority Chambers of Commerce and minority trade associations to:

(1) Establish a communications link (network) between DOT, its grantees, recipients, contractors, subcontractors and the small and disadvantaged business community.

(2) Increase awareness of DOT contracting opportunities and financial assistance programs by disseminating DOT marketing materials and relevant information at selected conferences, seminars and marketplace events.

(3) Develop and/or strengthen linkages with State DOTs, local transportation agencies, transportation prime contractors, State highway supportive services contractors, Minority Business Development Centers (MBDCs), Small Business Development Centers (SBDCs) and other minority Chambers of Commerce and minority trade associations to encourage DBE participation in DOT programs.

(4) Stimulate referrals of DBEs to obtain technical assistance from Federal, State and local agencies such as MBDCs, SBDCs and State DOT highway supportive services contractors for management and other business-related assistance including completion and submission of DOT Short-Term Lending Program and Bonding Assistance Program application packages.

(5) Increase awareness of DOT programs by providing DOT representation at selected conferences, seminars and marketplace events and by providing DOT ads and articles in organizations' newsletters.

(6) Develop and maintain databases of transportation-related DBEs as potential participants in DOT procurement and/or financial assistance programs.

1.3 Description of Competition

The purpose of this RFP is to solicit proposals from eligible national and regional minority Chambers of

Commerce and minority trade associations to participate in the Liaison and Outreach Services Program (LOSP). The LOSP shall enable the OSDBU to establish a regional presence by assisting small businesses and DBEs in securing information on DOT procurement opportunities, Financial Assistance Programs and the short-term lending and bonding assistance programs to increase the number of DBEs that enter into transportation-related contracts. The LOSP is intended to increase collaboration between OSDBU, minority Chambers of Commerce and minority trade associations to strengthen and enhance their ability to provide liaison services between DOT, its grantees, recipients, contractors, subcontractors and DBEs. As the program requirements and selection criteria indicate, the OSDBU also intends that the LOSP be multi-dimensional; that is, the selected organizations must have the capacity to effectively access and provide supportive services to the broad range of small business and DBE clients within their respective geographical areas and must be able to coordinate and establish effective networks with DOT grant recipients and local/regional technical assistance agencies to maximize resources and avoid duplication of effort.

Cooperative agreement awards will be up to \$95,000. It is DOT's intent to fund one agreement in the following regions: Region 1, 2, 6, 8, and 10, however, there may be multiple awards, if warranted to improve DOT's diversity of contracting efforts. In addition it is OSDBU's intent to encourage diversity of representation in the LOSP by focusing on the selection of at least one Native American, Asian American and Woman organization. The geographical distribution of DOT regions is shown in map form in Attachment 1. The DOT regions for this announcement, with states and territory comprising each, are listed below:

Region 1: Connecticut, Maine, Massachusetts, New Hampshire

Region 2: New Jersey, New York, Puerto Rico

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Region 10: Alaska, Idaho, Oregon, Washington

1.4 Duration of Agreements

Cooperative agreements will be awarded for a period of 12 months) with a one year renewable option based on need and program achievement. Continuation funding will be contingent upon satisfactory performance and the

availability of funds in subsequent fiscal years.

1.5 Authority

DOT is authorized under 49 U.S.C. 322 (P.L. 97-449), to develop by Cooperative Agreements, support mechanisms including liaison and assistance programs, that will enable small businesses and DBEs to take advantage of transportation-related contracts.

1.6 Eligibility Requirements

An eligible applicant organization will be: An established, non-profit, minority Chamber of Commerce or minority trade association which has the documented experience and capacity necessary to successfully operate and administer a coordinated, regional liaison outreach effort within a region of the United States.

In addition, to be eligible, a minority Chamber of Commerce or minority trade association must:

(a) Be an established 501 C(6) tax-exempt organization (provide documentation as verification);

(b) Have at least one year of documented and continuous experience prior to the date of application in providing advocacy, management and marketing assistance services and referral to technical assistance agencies to DBEs within the LOSP regional service area in which proposed services will be provided; and

(c) Have an office physically located within the LOSP regional service area.

No application will be accepted without proof of tax-exempt status.

2. Program Requirements

In conducting the activities to achieve the goals of the LOSP, the recipient shall be responsible for implementing the activities under 2.1 and 2.2 below. The OSDBU shall be responsible for conducting activities under 2.3.

2.1 Recipient Responsibilities

1. Each LOSP participant shall:

(a) Collaborate with and coordinate on programs, activities, services and technical assistance with other Federal, State and local organizations and agencies serving transportation-related small businesses and DBEs, particularly State DOTs and DOT grantees.

(b) Initiate, develop and maintain interagency referral arrangements with agencies offering specialized management and technical assistance including DOT state supportive services contractors, MBDCs, SBDCs and other appropriate programs.

(c) Establish a transportation advisory committee comprised of members who

have demonstrated expertise in the preparation of financial statements and bid/proposal development to advise on the development and implementation of LOSP activities.

(d) Conduct one (1) regional conference to address contracting opportunities within DOT modal administrations and from state and local transportation agencies within the region.

(e) Develop structured, consultative relationships with key constituent groups within the region to help build and reinforce collaboration. Such relationships will ensure that DOT non-minority and minority prime contractors as well as minority Chambers of Commerce and minority trade associations facilitate awareness and utilization of LOSP services.

(f) Implement information dissemination and education activities and strategies to maximize outreach regarding DOT procurement opportunities and the short-term lending and bonding assistance programs.

(g) Conduct an on-going evaluation of activities funded through this cooperative agreement. Evaluation will quantitatively and qualitatively describe LOSP activities, the services and the recipients of services. Each applicant must develop and implement an on-going evaluation plan.

(h) Develop structured, consultative relationships with the private sector financial community and Federal, State, regional and local agencies which provide specialized financial technical assistance services to DBEs.

(i) Establish and maintain an 800 toll free line to be made available to minority, women-owned, small and disadvantaged businesses interested in transportation-related procurements and information on the application process for the DOT Short Term Lending and Bonding Assistance Programs. Referral services shall be provided.

(j) Furnish all labor, facilities and equipment to perform the services described in this announcement.

2.2 Work Requirements

Each LOSP participant must perform work in the following functional areas:

- (a) Information Dissemination and Outreach
- (b) Conference and Seminar Participation
- (c) Referrals to Technical Assistance Agencies
- (d) Database Development

a. Information Dissemination and Outreach

Each LOSP program director shall meet with OSDBU officials to become

familiar with DOT materials and literature to disseminate appropriate documents to DBEs at conferences, seminars, workshops, and to those interested in and have the capacity to perform transportation-related projects. This LOSP "core service" includes distribution of general information on DOT's overall DBE program, specific information on DOT's short-term lending and bonding assistance programs; and information and assistance on DOT's procurement opportunities. Materials to be disseminated shall include, but are not limited to, fact sheets, brochures, short-term lending and bonding assistance program applications, and reports and advertisements which are directed toward the DBE communities in each region.

The LOSP participant shall publish stories/articles and features in the recipient's newsletter which contain information regarding the accessibility to procurement opportunities within DOT, and the short-term lending and bonding assistance programs. The Director, OSDBU, shall approve all stories, articles, and special features prior to their publication in the recipient's monthly or quarterly newsletter.

b. Conference and Seminar Participation

The LOSP participant shall participate in regional, state and local procurement conferences on behalf of the OSDBU and disseminate DOT procurement information, short-term lending and bonding assistance program literature and other materials. The conferences/seminars shall be transportation-related and each shall be approved by the Director, OSDBU, prior to participation. The LOSP participant shall identify regional, state and local conferences where a significant number of DBEs with transportation-related capabilities are expected to be in attendance. The LOSP participant shall maintain the DOT booth at transportation-related conferences/seminars. A list of proposed DBE conferences and seminars being considered for participation under the Cooperative Agreement shall be forwarded to OSDBU for review and approval.

The LOSP participant shall conduct one (1) regional conference and shall be responsible for all conference planning and logistics which include identifying and contacting DBEs, mailing invitational letters, handling details for exhibit booths and luncheons, preparing conference brochures as well as tentative and final conference agendas, and securing media coverage. A

conference report shall be submitted to OSDBU no later than 30 days after the conference.

c. Referrals to Technical Assistance Agencies

Each LOSP participant shall provide technical assistance services by referring DBEs to agencies that offer assistance in the preparation of DOT procurement documents and applications for loans and bonds for submission on transportation-related projects. In addition, specific referrals shall be made to agencies that certify DBEs using DOT guidelines.

d. Database Development

Each LOSP participant shall develop a comprehensive data base of firms within its regional service area that have the capability to perform transportation-related contracts.

2.3 Office of Small and Disadvantaged Business Utilization (OSDBU) Responsibilities

The OSDBU shall perform the following roles as its contribution to the attainment of LOSP objectives:

1. Provide consultation and technical assistance in planning, implementing and evaluating activities under this announcement.
2. Provide orientation and training to applicants awarded funding for participation in the LOSP.
3. Systematically monitor the performance of successful applicants' activities and program compliance.
4. Assist successful applicants in collaborating and developing or strengthening linkages with State DOTs, technical assistance agencies and DOT grantees within regional geographical areas served.
5. Facilitate the exchange and transfer of successful LOSP activities and program information among regional LOSP participants.

3. Submission of Proposals

3.1 Content and Format for Proposals

Each proposal submitted to DOT must be in the format and must contain the information set forth in the application form attached as Appendix A to this announcement.

3.2 Address; Number of Copies; Deadline for Submission

Any eligible organization (as defined in Section 1.6 of this RFP) shall submit only one proposal for consideration by DOT. Applications should be double spaced, and printed in a font size not smaller than 12 points. One unbound copy of the proposal with original signatures suitable for reproduction,

plus four bound copies, should be submitted. All pages should be numbered at the top of each page. All documentation, attachments, or other information pertinent to the application must be included in a single submission.

Proposals should be submitted to: David Benton, LOSP Manager, Office of Small and Disadvantaged Business Utilization (S-40), U.S. Department of Transportation, 400 7th Street, SW., room 9414, Washington, DC 20590.

Proposals must be received by DOT/OSDBU no later than March 3, 1995 4:00 p.m., EST.

4. Selection Criteria

4.1 General Criteria

DOT will use the following criteria to rate and rank applications received in response to this announcement for the applicant's region. Applications will be evaluated for each region on a point system (maximum number of points = 100). The following five (5) maximum *weighted* categories will constitute DOT's selection criteria:

- Approach (25 points)
- Linkages/Networks (25 points)
- Organizational Capability (25 points)
- Staff Capabilities and Experience (15 points)
- Cost (10 points)

A. Approach and Linkages (50 Points)

1. Approach (25 Points)

The applicant must describe the activities proposed to be implemented under the cooperative agreement and how the work will be accomplished across the LOSP regional area. Present a well-constructed plan of action. DOT will consider the extent to which the proposed objectives are specific, measurable, time-phased, consistent with LOSP goals and the proposed activities are consistent with the applicant organization's overall mission. DOT will give priority consideration to applicants that demonstrate innovation and creativity of approach in increasing the ability of DBEs to access information on DOT contracting opportunities and financial assistance programs. DOT will also rate the quality of the applicant's plan for conducting program activities and the likelihood that the proposed methods will be successful in achieving proposed objectives.

2. Linkages (25 Points)

DOT will consider innovative aspects of the applicant's approach which build upon the applicant's strength(s) and facilitate and encourage linkages to existing resources available within the region. The applicant's structure for

linking urban and rural DBEs to the LOSP should be outlined. The applicant should describe support and intended collaboration on LOSP activities from DOT grantees, prime contractors, subcontractors, State DOTs, State highway supportive services contractors, SBDCs, MBDCs and colleges and universities serving minorities including Historically Black Colleges and Universities (HBCUs), Hispanic Association of Colleges and Universities' affiliations (HACUs) and Tribal-Affiliated Colleges and Universities (TACUs). DOT will also rate the effectiveness of the applicant's strategy to provide outreach, networking and liaison activities to the regional area to be served. In rating this factor, DOT will consider the extent to which the applicant demonstrates ability to effectively access and network supportive services to the broad and diverse range of DBEs within the applicant's regional service area. Emphasis will also be placed on the extent to which the applicant identifies a clear outreach strategy related to identified needs that can be successfully carried out within the period of this agreement and a plan for forming and involving an internal transportation advisory committee in the execution of that strategy.

B. Organizational Capability (25 Points)

The applicant organization must have outreach resources and relevant experience in carrying out the purposes of the LOSP. In rating this factor, DOT will consider the extent to which the applicant's organization has recent, relevant and successful experience in advocating for and addressing the needs of minority businesses in general and transportation-related DBEs in particular. The applicant must also describe technical and administrative resources it plans to use in achieving proposed objectives (i.e., computer facilities, voluntary staff time, space and financial resources).

C. Staff Capability and Experience (15 Points)

The applicant organization should provide a list of proposed personnel for the project with salaries, educational levels and previous experience delineated. The applicant's project team must be well-qualified and knowledgeable (ensuring diversity) which shows evidence of the ability to deal effectively with the broad range of DBE clients to be served. Resumes must be submitted for all proposed key personnel, outside consultants and subcontractors. Experience of key personnel in providing services similar

in scope and nature to the proposed effort must be presented in detail. The Project Director will serve as the responsible individual for the project a minimum of 50 percent of his/her time. He/she must be designated in the proposal and his/her resume must reflect appropriate knowledge of the regional area and supervisory experience.

DOT will consider the extent to which the applicant's proposed management plan (a) clearly delineates staff responsibilities and accountability for all work required and (b) presents a work plan with a clear and feasible schedule for conducting all project tasks.

D. Cost (10 Points)

The budget is the applicant's estimate of the total cost of establishing and administering its participation in the LOSP. The applicant's budget must be adequate to support the project and costs must be reasonable in relation to project objectives. Applicants are encouraged to provide in-kind costs and other innovative cost approaches.

4.2 Scoring of Applications

A review panel will score each application based upon the evaluation criteria listed above. Points will be given for each evaluation criteria category not to exceed the maximum number of points allowed for each category. Applications which are not responsive to the established criteria above will be disqualified.

“Appendix A”

Application Form for Submission of Proposals for Department of Transportation, Regional Liaison Outreach and Services Program (LOSP)

Appendix A—Application Form For Proposals for the Department of Transportation, Regional Liaison Outreach and Services Program (LOSP)

Proposals for the DOT Regional Liaison Outreach and Services Program (LOSP) should contain all of the following information and should be submitted in the following format.

Applications should be double spaced and printed in a font size not smaller than 12 points. One unbound copy of the proposal with original signatures suitable for reproduction, plus four bound copies, should be submitted. Applications, excluding attachments, will be limited to 35 pages. All pages should be numbered at the top of each page. All documentation, attachments, or other information pertinent to the application should be included in a single submission, forwarded directly to the address listed below.

Proposals should be submitted to: David Benton, LOSP Manager, Office of Small and

Disadvantaged Business Utilization (S-40), U.S. Department of Transportation, 400 7th Street, SW., room 9414, Washington, DC 20590.

Proposals must be received by DOT/OSDBU no later than March 3, 1995, 4:00 P.M. EST.

All applications must contain the following sections in the following order.

1. Table of Contents

—Identify all parts, sections and attachments of the application.

2. Application

Summary Page

- Provide a one page overview of the following:
- The applicant's proposed LOSP, its related activities including key elements of the plan of action/methodology to achieve project objectives.
- The applicant's relevant organizational experience and capabilities.

3. Understanding of the Work

- Provide a narrative which contains specific project information as follows:
- The applicant will describe its understanding of the LOSP, program goals and the role of the applicant's proposed LOSP in advancing the applicant's goals.
- The applicant will describe specific outreach needs of transportation-related DBEs in the region served and how the LOSP will address the identified needs.

4. Approach/Methodology

- Describe the applicant's methodology or plan of action for conducting the project in terms of the tasks to be performed.

—Describe the specific services or activities to be performed and how these services/activities will be implemented.

—Describe innovative and/or creative approaches to be implemented through the LOSP to increase the ability of DBEs to access information on DOT contracting opportunities and financial assistance programs.

5. Linkages

- Describe outreach activities and linkages to be implemented to ensure that rural small and minority disadvantaged businesses participate in LOSP activities.
- Describe or indicate evidence of linkages or collaborations developed or to be developed with State DOTs, DOT grantees, DOT prime contractors, other minority Chambers of Commerce as well as minority trade associations and technical assistance agencies including DOT/FHWA supportive services contractors, HBCUs, HACUs and TACUs.

6. Organizational Capabilities

- Describe recent, relevant and successful experience in advocating for and addressing the needs of small and minority businesses in general and transportation-related DBEs in particular.
- Describe relevant experience in working or collaborating with minority Chambers of Commerce and minority trade associations, DOT grantees, State DOTs, technical assistance agencies including DOT/FHWA supportive services contractors, MBDCs, SBDCs and minority institutions including HBCUs, HACUs and TACUs.

—Describe internal resources available to use in successfully performing/completing the work.

7. Staff Capabilities

—Describe the qualifications and relevant experience, in relation to project requirements, of the key personnel to be used in the project.

8. Management Plan

—Describe how personnel are to be organized in the project and how they will be used to accomplish project objectives. Outline staff responsibilities, accountability and a schedule for conducting all project tasks.

9. Budget Narrative

—Outline all proposed budget/cost information in detail.

10. Assurances

Signature Form

—Complete the attached form identified as Attachment 2.

11. Certification

Signature Form

—Complete the attached form identified as Attachment 3.

12. Standard Form 424

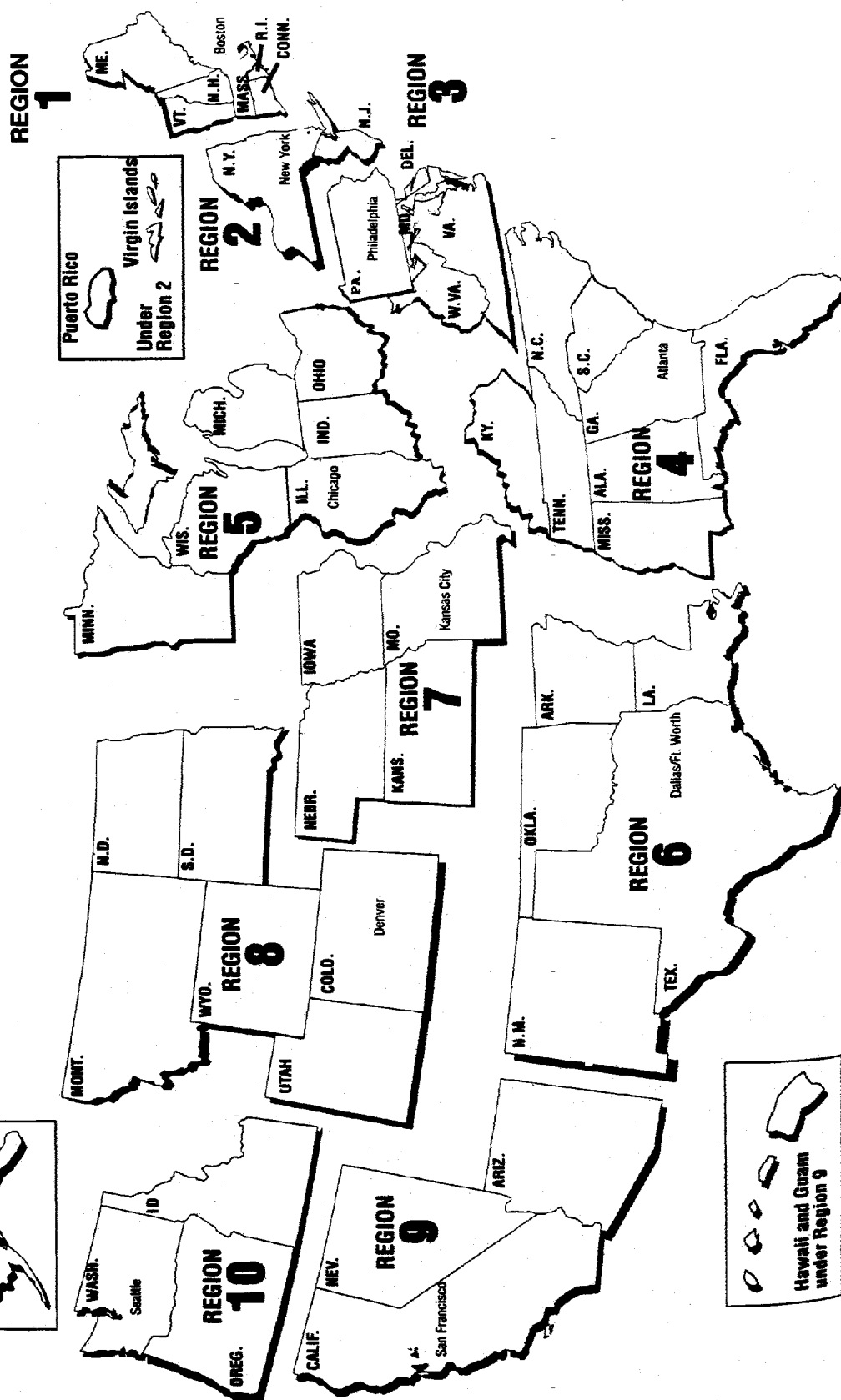
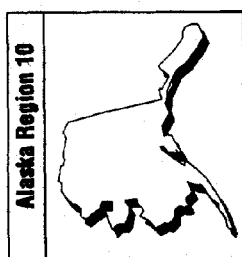
—(Request for Federal Assistance) Complete the attached Standard Form 424 identified as Attachment 4.

Please be sure that all forms have been signed by an authorized official who can legally represent the organization.

BILLING CODE 4910-62-P

LIAISON OUTREACH & SERVICES PROGRAM LOSP

GEOGRAPHICAL BOUNDARIES (REGIONAL)



Assurances

All recipients of Federal funding are required to assure that the recipient:

- Has the legal authority to apply for Federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
- Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- Will establish safeguards to prohibit employees from using their position for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900; Subpart F).
- Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability; (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd-3 and 290ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the National and Community Service Act of 1990, as amended; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
- Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a and 276a-77), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for Federally assisted construction sub-agreements.
- Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires the recipients in a special flood hazard area to participate in the program and to purchase flood

insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

- Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular A-133. Audits of Institutions of Higher Learning and other Non-profit Institutions.

- Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

In addition, all recipients of Corporation assistance under this application are required to assure that the recipient:

- Will keep such records and provide such information to the Corporation with respect to the program as may be required for fiscal audits and program evaluation.
- Will not use the assistance to replace State and local funding streams that had been used to support programs of the type eligible to receive Corporation support. For any given program, this condition will be satisfied if the aggregate non-Federal expenditure for that program in the fiscal year that support is to be provided is not less than the previous fiscal year.
- Will use the assistance only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of the program.
- Will comply with the Notice, Hearing, and Grievance Procedures found in § 176 of the Act.
- Will comply with the nondisplacement rules found in § 177(b) of the Act. Specifically, an employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the employer using an AmeriCorps participant; a service opportunity shall not be created that will infringe on the promotional opportunity of an employed individual; an AmeriCorps participants shall not perform any services or duties or engage in activities that (1) would otherwise be performed by an employee as part of the employee's assigned duties, (2) will supplant the hiring of employed workers, (3) are services or duties with respect to which an individual has recall rights pursuant to a collective bargaining agreement or applicable personnel procedures; or (4) have been performed by or were assigned to any presently employed worker, an employee who recently resigned or was discharged, an employee who is on leave, an employee who is on strike or is being locked out, or an employee who

is subject to a reduction in force or has recall rights
subject to a collective bargaining agreement or
applicable personnel procedure.

Assurances - Signature

By signing this assurances page, the applicant certifies that it
will agree to perform all actions and support all intentions
stated in the attached Assurances.

NOTE: This form must be signed and included in the
application.

Organization Name

Project Name

Name and Title of Authorized Representative

Signature

Date

Certification - Lobbying Activities

As required by Section 1352, Title 31 of the US Code, the applicant certifies that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress in connection with the awarding of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, or modification of any Federal contract, grant, loan, or cooperative agreement;

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

C. The undersigned shall require that the language of this certification be included in the award documents for all subcontracts at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Certification -- Signature

Before You Start. Before completing certification, please read Certification Instructions.

NOTE: This form must be signed and included in the application.

Signature. By signing this Certification page, the applicant certifies that it will agree to perform all actions and support all intentions stated in the Certifications set forth above. The three Certifications are:

- Certification: Debarment, Suspension, and Other Responsibility Matters
- Certification: Drug-Free Workplace
- Certification: Lobbying Activities

Organization Name

Project Name

Name and Titled of Authorized Representative

Signature

Date

ATTACHMENT 4

OMB Approval No. 3148-0041

APPLICATION FOR
FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input type="checkbox"/> Preapplication <input type="checkbox"/> Non-Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	

5. APPLICANT INFORMATION Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code):	

6. EMPLOYER IDENTIFICATION NUMBER (EIN): <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div>	7. TYPE OF APPLICANT: (enter appropriate letter in box) <table style="width: 100%;"> <tr> <td>A. State</td> <td>H. Independent School Dist.</td> </tr> <tr> <td>B. County</td> <td>I. State Controlled Institution of Higher Learning</td> </tr> <tr> <td>C. Municipal</td> <td>J. Private University</td> </tr> <tr> <td>D. Township</td> <td>K. Indian Tribe</td> </tr> <tr> <td>E. Interstate</td> <td>L. Individual</td> </tr> <tr> <td>F. Intermunicipal</td> <td>M. Profit Organization</td> </tr> <tr> <td>G. Special District</td> <td>N. Other (Specify) _____</td> </tr> </table>	A. State	H. Independent School Dist.	B. County	I. State Controlled Institution of Higher Learning	C. Municipal	J. Private University	D. Township	K. Indian Tribe	E. Interstate	L. Individual	F. Intermunicipal	M. Profit Organization	G. Special District	N. Other (Specify) _____
A. State	H. Independent School Dist.														
B. County	I. State Controlled Institution of Higher Learning														
C. Municipal	J. Private University														
D. Township	K. Indian Tribe														
E. Interstate	L. Individual														
F. Intermunicipal	M. Profit Organization														
G. Special District	N. Other (Specify) _____														

8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____	9. NAME OF FEDERAL AGENCY:
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10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> TITLE:	11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
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12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):		13. PROPOSED PROJECT: Start Date Ending Date	
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14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project		15. ESTIMATED FUNDING: <table style="width: 100%;"> <tr> <td>a. Federal</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td>.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td>.00</td> </tr> </table>		a. Federal	\$.00	b. Applicant	\$.00	c. State	\$.00	d. Local	\$.00	e. Other	\$.00	f. Program Income	\$.00	g. TOTAL	\$.00
a. Federal	\$.00																						
b. Applicant	\$.00																						
c. State	\$.00																						
d. Local	\$.00																						
e. Other	\$.00																						
f. Program Income	\$.00																						
g. TOTAL	\$.00																						

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No
--	---

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED		
a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV. 4-88)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|---|--------|--|--------|
| 1. Self-explanatory. | | 12. List only the largest political entities affected (e.g., State, counties, cities). | |
| 2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | | 13. Self-explanatory. | |
| 3. State use only (if applicable). | | 14. List the applicant's Congressional District and any District(s) affected by the program or project. | |
| 4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | | 15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. | |
| 5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | | 16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. | |
| 6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | | 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. | |
| 7. Enter the appropriate letter in the space provided. | | 18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) | |
| 8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | | |
| 9. Name of Federal agency from which assistance is being requested with this application. | | | |
| 10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | | |
| 11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | | |

Certifications

Before completing certification, please read Certification Instructions on the following page.

Certification - Debarment, Suspension, and Other Responsibility Matters. This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(1). The applicant certifies to the best of its knowledge and belief, that it and its principals:

(a). Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency,

(b). Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property,

(c). Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification, and

(d). Have not within a three-year period preceding this application proposal had one or more public transactions (Federal, State or local) terminated for cause or default;

(2). Where the applicant is unable to certify to any of the statements in this certification, such applicant shall attach an explanation to this application.

Certification - Drug-Free Workplace. This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or

debarment (see 34 CFR Part 85, Section 85.615 and 85.620). The grantee certifies that it will provide a drug-free workplace by:

(1). Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(2). Establishing a drug-free awareness program to inform employees about --

(a) the dangers of drug abuse in the workplace,

(b) the grantee's policy of maintaining a drug-free workplace,

(c) any available drug counseling, rehabilitation, and employee assistance programs, and

(d) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(3). Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);

(4). Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will

(a) abide by the terms of the statement, and

(b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(5). Notifying the Corporation within ten days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction;

(6). Taking one of the following actions, within 30 days of receiving notice under subparagraph (4)(b) with respect to any employee who is so convicted--

(a) Taking appropriate personnel action against such an employee, up to and including termination; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(7). Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

Certification Instructions

By signing the Certification Signature Page on the previous page, the applicant certified that it will agree to perform all actions and support all intentions stated in the Certifications.

Signing the Certification Page

1. **Inability to Certify.** The inability of a person to provide the certification required below will not necessarily result in denial of a grant. The applicant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the Corporation determination whether to enter into this transaction. However, failure of the applicant to furnish a certification or an explanation shall disqualify such applicant for a grant.

2. **Erroneous Certification.** The certification in this clause is a material representation of fact upon which reliance was placed when the Corporation determined to enter into this transaction. If it is later determined that the applicant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Corporation may terminate this transaction for cause or default.

3. **Notice of Error in Certification.** The applicant shall provide immediate written notice to the Corporation to whom this proposal is submitted if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. **Definitions.** The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. An applicant shall be considered a "prospective primary participant in a covered transaction" as defined in the rules implementing Executive Order 12549. You may contact the Corporation for assistance in obtaining a copy of those regulations.

5. **Certification Requirement for Subgrant Agreements.** The applicant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Corporation.

6. **Certification Inclusion in Subgrant Agreements.** The applicant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the Corporation, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. **Certification of Subgrant Principals.** A grantee may rely upon a certification of a prospective participant in a lower-tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A grantee may decide the method and frequency by which it determines the eligibility of its principals. Each grantee may, but is not required to, check the Nonprocurement List.

8. **Prudent Person Standard.** Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a grantee is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. **Non-Certification in Subgrant Agreements.** Except for transactions authorized under paragraph 6 of these instructions, if a grantee knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

[FR Doc. 95-2494 Filed 2-2-95; 8:45 am]

BILLING CODE 4910-62-C

Federal Transit Administration

Privacy Act of 1974 DOT/FTA 196, Transit Planning and Research (TTS) Mailing List

The Department of Transportation (DOT) proposes to add a new record system to its inventory of systems of records notices.

Any person or agency may submit written comments on the proposed system to the Department of Transportation, Federal Transit Administration, Attn: Henry Nejako, TTS-5, 400 Seventh Street, SW., Washington, DC 20590. Comments to be considered must be received by March 10, 1995.

If no comments are received, the proposed system will become effective on the above mentioned date. If comments are received, the comments will be considered and where adopted, the document will be republished with the change.

Issued in Washington, DC January 20, 1995.

Melissa J. Allen,

*Deputy Assistant Secretary for
Administration.*

Narrative Statement for the Department of Transportation Federal Transit Administration

The Federal Transit Administration proposes to add the record system, DOT/FTA 196 Office of Technical Assistance and Safety (TTS) Mailing List. The purpose of the system is the administrative management of a mailing list of those individuals and businesses interested in technical information available from the Federal Transit Administration.

The authority for the maintenance of this system is 49 U.S.C. 5312(a). Authority to conduct research, development and demonstration projects implies the duty to disseminate results of those projects to interested persons. An automated list is essential to dissemination.

Individuals interested in receiving technical information from FTA disclose the subject information to a federal agency; therefore this system presents no undue threat to privacy rights of individuals.

A description of the steps taken to safeguard these records is given under the appropriate heading of the **Federal Register** system of records notice.

No changes to existing procedural or exemption rules are required for this proposed new system.

The purpose of this report is to comply with the Office of Management and Budget Circular, A-130, Appendix I, dated June 25, 1993.

DOT/FTA 196

SYSTEM NAME:

Office of Technical Assistance & Safety (TTS) Mailing List.

SYSTEM LOCATION:

Department of Transportation (DOT), Federal Transit Administration (FTA), Office of Technical Assistance & Safety, Office of Program Management Staff, TTS-5, 400 7th Street NW., room 6431, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals interested in technical information about transit issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, business address, telephone number, fax number, areas of interest, organization type, job type, date of last update.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For technical information dissemination. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a master computer file by a contractor and a working file in FTA.

RETRIEVABILITY:

Access by computer terminal by any item.

SAFEGUARDS:

Available for use under the control of the Mailing List Manager.

Computer file is protected by password logon and access rights to data file.

RETENTION AND DISPOSAL:

Records are retained until notified that individual no longer desires information and then record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Management Staff, TTS-5, Federal Transit Administration (FTA), Office of Technical Assistance & Safety, Program Management Staff, TTS-5, 400 7th Street SW., room 6431, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the Program Management Staff, TTS-5 (address same as system manager).

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Conference registration lists, Post Office return forms, letter and/or verbal request to be placed on mailing list and other DOT/FTA mailing lists.

[FR Doc. 95-2497 Filed 2-2-95; 8:45 am]

BILLING CODE 4910-62P-M

Federal Highway Administration

Environmental Impact Statement: Jefferson and Shelby Counties, Alabama

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) and a Major Investment Study (MIS) will be prepared for a proposed highway project in Jefferson and Shelby Counties, Birmingham, Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. Joe D. Wilkerson, Division Administrator, Federal Highway Administration, 500 Eastern Boulevard, suite 200, Montgomery, Alabama 36117-2018, telephone (334) 223-7370.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Alabama Department of Transportation, will prepare an EIS/MIS for a proposed freeway/expressway facility within the U.S. 280 corridor extending approximately 16.09 kilometers (10 miles) from E.B. Stephens Expressway in Jefferson County to just east of Alabama State Route 119 in Shelby County. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include: (1) Taking no action, (2) conventional six-lane urban freeway with parallels service roads, (3) a four-lane raised toll facility within the right-of-way and along the sides of a six-lane arterial facility, (4) others build alternatives which may be developed through the MIS process, and (5) alternate travel demand strategies such as transit, carpooling, and vanpooling which may also be considered in